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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|-------------------------|------------------|
| 09/941,167 | 08/28/2001 | Ryan L. Stone | 13914.692 | 4657 |
| 22913 | 7590 | 07/13/2004 | | |
| | | | EXAMINER | |
| | | | NGUYEN, TAM M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3764 | |
| | | | DATE MAILED: 07/13/2004 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| | | |
|------------------------|------------------|--------------------------------|
| Application No. | 09/941,167 | Applicant(s) STONE, RYAN L. |
| Examiner Tam Nguyen | Art Unit 3764 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 3-16-04.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 22 is/are withdrawn from consideration.
- 5) Claim(s) 5-10, 13, 15-20 and 23 is/are allowed.
- 6) Claim(s) 1, 3, 4, 21, 24-26, 29 and 31 is/are rejected.
- 7) Claim(s) 2, 11, 12, 14, 27, 28 and 30 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 6, 11, 12, 14 and 31 are objected to because of the following informalities:

Claim 6, line 1, delete "A mechanism" and insert --An exercise device--.

Claim 11, line 16, delete "exists" and insert --exists--.

Claim 12, line 1, delete "mechanism" and insert --device--.

Claim 14, line 1, delete "exercise station" and insert --exercise device--.

Claim 31, line 16, delete "he" and insert --the--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Claim 29 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 29 recites the limitation "the tube" in lines 1 and
2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4 and 21 rejected under 35 U.S.C. 102(b) as being anticipated by Slawinski et al. (6,669,607).

3. As to claims 1, 3 and 4, Slawinski et al. disclose an exercise device comprising a support (50), at least one arm (54), a tube (66) coupled to the support and a proximal end of the arm, a cord (72) extending through the tube and coupled to a weight stack resistance assembly and a pulley (62) having a channel to receive a portion of the cord wherein the pulley is coupled to the arm, the tube and pulley are positioned at the proximal end of the arm and the tube is affixed to the arm and rotatably coupled to the support (see Figs. 1 & 2 and Col. 6, lines 44-55).

4. As to claim 21, Slawinski et al. disclose an exercise device having a means (56) for aligning the channel of the pulley with a passageway of a tube as substantially claimed (see discussion of claim 1 & Fig. 3).

Claims 24-26 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang et al. (6,599,223).

5. As to claims 24-26, Wang et al. disclose an exercise device comprising a resistance assembly (21), a support (15), and a selectively movable arm (13) movably coupled to the support, a first pulley (A), a second pulley (B), a cord (30) wherein an intermediate portion of the cord extends along a longitudinal axis. The arm pivots about this longitudinal axis along which the cord extends. The arm also defines a longitudinal axis that is transverse to the longitudinal axis

defined by the intermediate portion of the cord.(see Appendix 1, Examiner's version of Fig. 2).

6. As to claim 31, Wang discloses an exercise device as substantially claimed (see discussion of claims 24-26).

Allowable Subject Matter

7. Claims 5-10, 13, 15-20 and 23 are allowed.

8. Claim 2, 27, 28 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is 703-305-0784. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Lucchese can be reached on 703-308-2698. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 2, 2004


NICHOLAS D. LUCCHESI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

APPENDIX 1

U.S. Patent

Jul. 29, 2003

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US 6,599,223 B2

